PB-217 655

DIGEST OF MISSISSIPPI WATER POLLUTION CONTROL LEGISLATION

Public Health Service
Washington, D.C.

September 1958

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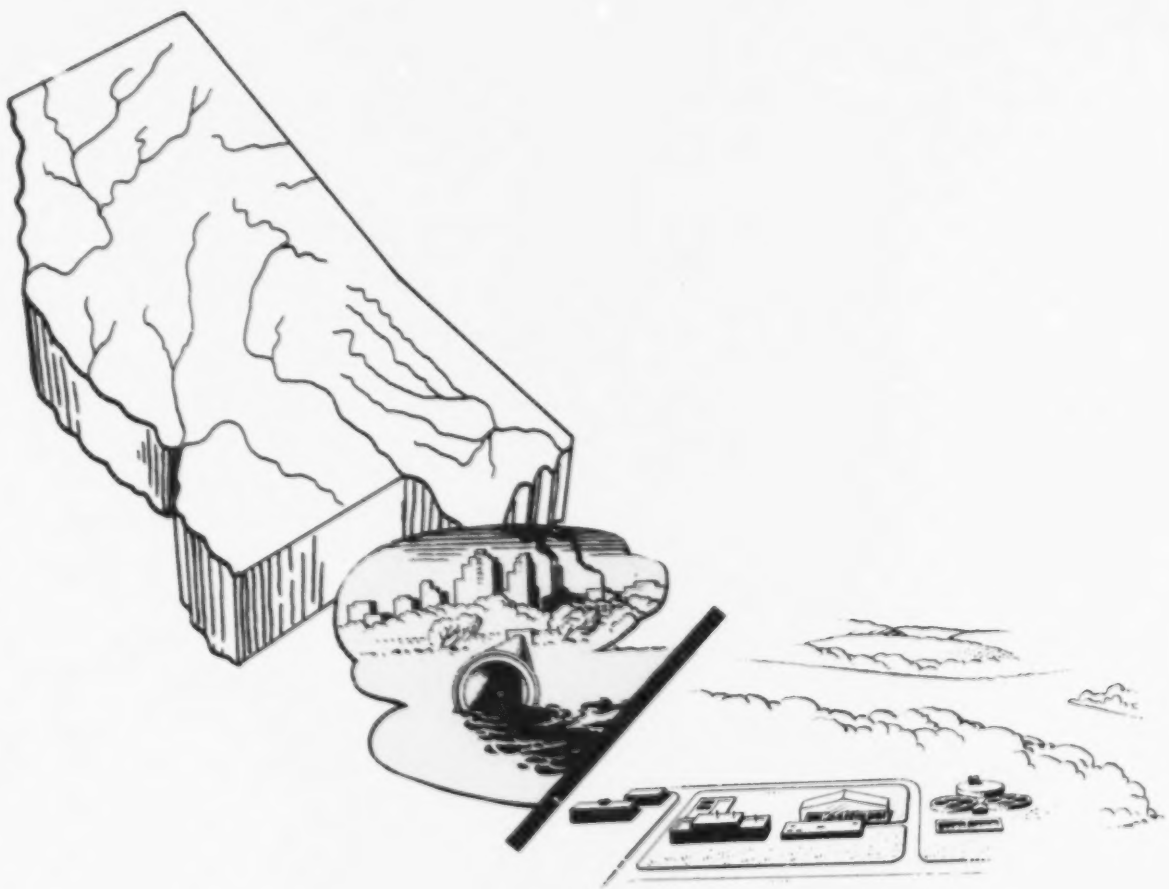
Digest of WATER POLLUTION CONTROL LEGISLATION ... Mississippi



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U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Public Health Service

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Section 3 of the Federal Water Pollution Control Act (33 U.S.C. 466b) directs the Public Health Service to "encourage the enactment of improved and, so far as practicable, uniform State laws relating to the prevention and control of water pollution."

This Digest is one of a series prepared by the Public Health Service as a service to the States and others interested in these objectives. Cooperation of State officials in the preparation of these digests is gratefully acknowledged.

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I. GENERAL STATEMENT

The State Board of Health is charged with the duty of supervising the health interests of the people (Sec. 7029)1/. It is empowered to make and publish rules and regulations necessary to discharge its duties, and to provide sanitary rules and regulations, which are enforced by the county health officers under the supervision of the State Board (Sec. 7031). The Board has been designated as the official "Water Pollution Control Agency" of the State for the purposes of the Federal Water Pollution Control Act.

The State Oil and Gas Board is authorized to make rules, regulations, and orders for, among other things, the prevention of the pollution of fresh water supplies by oil, gas, or salt water (1956 Cum. Supp., Sec. 6132-10(1)).

The State Game and Fish Commission exercises authority over industrial waste pollution as it affects game, fish, and other wild or domestic animals and fowls. It also approves plans and specifications for waste treatment works and issues permits for the operation of such treatment works (Sec. 5929-04). The Commission is empowered to set pollution standards for effluent, but does not have jurisdiction over lakes, or other waters which are wholly land locked and privately owned or the Mississippi River or its tributaries (Secs. 5929-07, 5929-11).

Nothing in the Act authorizing the Game and Fish Commission to exercise control over industrial waste pollution is to be construed to limit or modify in any manner the powers and duties of the State Board of Health in

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1/ Citations in this digest refer to Mississippi Code of 1942 Annotated, and the 1956 Cumulative Supplement thereto, unless otherwise indicated.

matters relative to public health or with the Board's authority to direct its employees (Sec. 5929-06).

II. ADMINISTRATIVE ORGANIZATION

State Board of Health

1. Composition and organization

The Board consists of 10 members, 9 of whom are appointed by the Governor and confirmed by the Senate, and one of whom is elected by the Board. Eight of the appointive members must be regular qualified physicians of the State and members of the State medical association, and one of the appointive members must be a dentist of the State and a member of the State dental association. The appointed members serve for six years (Sec. 7024). The Board elects a President from among its members and an Executive Officer who serves as Secretary of the Board. The Executive Officer must be a physician versed in bacteriology, hygiene, sanitary science and be otherwise fitted to execute the duties incumbent upon him by law and cannot engage in the practice of medicine. Such Executive Officer is vested with all the authority of the Board when it is not in session (Sec. 7026). The Board has the power to elect or appoint an Executive Committee to be composed of three of its members with a Chairman designated by the Board; such Committee has the authority to act for the Board in the interim of meetings of the Board. Any two members of such Committee constitutes a quorum for the transaction of business (Sec. 7027). The Board holds meetings when it is deemed necessary or advisable at such times and places as it, by rule, or its President by call, may designate (Sec. 7028).

2. Powers and duties

a) General authority

The Board supervises the health interests of the people of the State, investigates the causes and means of preventing endemic and epidemic

diseases. It investigates the sanitary condition of schools, public institutions, railroads and street cars, and all buildings and places of public resort, and recommends such measures of sanitation for them as it may deem advisable, and prescribes rules and regulations for the conduct of county health officers (Sec. 7029).

b) Enforcement

When the Board finds the existence of any matter or thing which is calculated to produce, aggravate or cause the spread of any epidemic or contagious disease or to affect injuriously the health of the public or community, it may declare the same to be a nuisance, and when it makes such a declaration it notifies the proper legal or health officer of the district where the nuisance exists who must forthwith commence proceedings in the circuit court to have the same abated (Sec. 7037).

Violation of the rules and regulations of the Board is a misdemeanor, punishable by a fine of not exceeding $50.00, or imprisonment in the county jail for one month, or both (Sec. 7053).

c) Administrative powers

The Board is required to make and submit a written report to the Governor on or before the first of October next preceding each regular or special session of the Legislature, upon the sanitary condition, prospect, and needs of the State, setting forth therein the action of the Board, and showing all its expenditures since its last report, and such other matters as it may deem proper for the promotion of health or the prevention of disease. This report is laid before the Legislature by the Governor at its ensuing term (Sec. 7030).

III. MISCELLANEOUS STATUTORY PROVISIONS RELATING TO WATER POLLUTION

It is unlawful to take fish by the use of poison, explosives, or chemicals (Secs. 5890, 5900). Violation carries a fine or imprisonment, or both (Sec. 2158).

Anyone who poisons any fish by mingling in the water any substance intended to stupefy or destroy fish, is guilty of a misdemeanor and on conviction is subject to a fine or imprisonment, or both (Sec. 2326).

It is unlawful to poison any well, spring, or reservoir or water (Sec. 2328).

It is a misdemeanor to pollute the navigable waters by placing therein any dead animal, other refuse, foul matter, or any other thing calculated to render the water thereof less fit for drink, or the sustenance of fish. This prohibition does not prevent any city, town or village from constructing sewers so as to empty into any navigable stream of water in the State or into any creek whose length from source to mouth is 25 miles or more. However, the State Board of Health, when public health requires, may prevent the emptying of sewerage into any navigable stream or such creek, or require such steps to be taken by such community as may be necessary to correct any evil that may exist (Sec. 2414).

It is unlawful for any creosoting plant or sawmill to dump their wastage into any running stream in the State. Each day the violation continues is a separate offense (Sec. 2415).

It is unlawful for anyone to discharge any ballast in any harbor or place other than that designated by a Harbor Commissioner (Sec. 2211).

IV. INTERSTATE COMPACTS

Mississippi is a party to the Tennessee River Basin Water Pollution Control Compact, relating to the control of pollution of the waters of the Tennessee River Basin (1956 Cum. Supp., Sec. 5931-01-04)